

## **Deficiency Progress Report – Update 4**

Report Submitted: March 2, 2010

**CUPA: Tuolumne County Environmental Health**

**Evaluation Date: February 4, 2009**

**Evaluation Team:**

Kareem Taylor, Cal/EPA

**Corrected Deficiencies: 1, 2, 3, 4, 5, 6, 7**

[All deficiencies have been corrected.](#)

1. **Deficiency:** The CUPA is not billing its CalARP facilities the CUPA Oversight surcharge of \$24. The CalARP surcharge is billed and collected regularly.

**Preliminary Corrective Actions:** By May 4, 2009, the CUPA will modify its billing system to include the CUPA oversight surcharge along with the Cal ARP surcharge.

**CUPA's 1<sup>st</sup> Update (5-5-09):** On March 4, 2009 a memo was drafted by this Division to the two regulated CalARP facilities in Tuolumne County (see attached). The memo notified the facilities that this Division had not previously billed them for the CUPA Oversight surcharge of \$24 in addition to the CalARP surcharge. Both CalARP facilities regulated in Tuolumne County subsequently had the CUPA Oversight surcharge added to their annual billing (see attached invoices).

[Cal/EPA's 1<sup>st</sup> Response: Cal/EPA considers this deficiency corrected.](#)

2. **Deficiency:** The CUPA did not complete its fiscal year (FY) 2006/2007 self audit. The FY 2007/2008 self audit was completed and included all of the required elements.

**Preliminary Corrective Actions:** In subsequent FYs, the CUPA will complete a self audit of its program by September 30 of each year.

No further action is required to correct this deficiency.

3. **Deficiency:** The CUPA is not conducting Hazardous Waste Generator (HWG) inspections with a frequency that is consistent with its Inspection and Enforcement Plan. Specifically, the CUPA did not meet its scheduled HWG inspection frequency of one inspection every three years.

**Preliminary Corrective Actions:** By February 10, 2010 the CUPA will inspect at least one third of its HWG facilities.

On the CUPA's first progress report, develop an action plan that details how the CUPA plans to inspect all HWG facilities once every three years.

**CUPA's 1<sup>st</sup> Update (5-5-09):** Tuolumne County CUPA currently regulates 149 hazardous waste generators. To meet the minimum inspection frequency of once every three years the CUPA needs to conduct a minimum of 50 inspections every year and 4-5 inspections every month. With two inspectors in the CUPA program each inspector needs to complete a minimum of 2-3 inspections a month. The Division Director will review service summary reports monthly to ensure each inspector is meeting the necessary quota. If it is found that the quota is not being met by one or both inspectors an evaluation shall be completed to determine why the quota has not been met that month and how the difference can be accounted for in the following month. To date, following the CUPA's evaluation on February 4, 2009, a total of 16 hazardous waste inspections have been completed.

**Cal/EPA's 1<sup>st</sup> Response:** The CUPA plans to inspect 50 HWG facilities by February 2010. The CUPA has demonstrated progress towards correcting this deficiency by inspecting 16 HWG facilities since the 2009 evaluation.

On the next progress report, please report the total number of HWG inspections performed since the February 2009 evaluation.

**CUPA's 2<sup>nd</sup> Update (7-30-09):** Following the Tuolumne County CUPA evaluation conducted on February 4, 2009 the CUPA began implementing the inspection plan detailed above. Since February the CUPA has conducted 28 hazardous waste inspections, that is an additional 12 inspections conducted since the May update. To meet the minimum inspection frequency of once every three years the CUPA needs to conduct a minimum of 50 inspections every year and 4-5 inspections every month. With 12 inspections completed over a three month period (May/June/July) the CUPA has met the minimum number of inspections necessary to remain on track to complete a total of 50 inspections by February 2010.

**Cal/EPA's 2<sup>nd</sup> Response:** The CUPA is making good progress toward meeting its triennial HWG inspection frequency.

On the next progress report, please report the total number of HWG inspections performed since the February 2009 evaluation.

**CUPA's 3<sup>rd</sup> Update (10-30-09):** Since February 1, 2009 the CUPA has conducted 44 hazardous waste inspections. That is an additional 16 inspections

since the August update. To meet the minimum inspection frequency of once every three years the CUPA needs to conduct a minimum of 50 inspections every year. The CUPA must complete an additional 6 inspections to meet the minimum required.

**Cal/EPA's 3<sup>rd</sup> Response:** The CUPA inspected approximately 30% of its total hazardous waste generator facilities. This is close to meeting the goal of inspecting one-third or 33% of the CUPA's hazardous waste generator facilities within one year. Cal/EPA considers this deficiency corrected.

4. **Deficiency:** The CUPA is not meeting the mandated inspection frequency for the business plan (BP) program of one inspection every three years.

**Preliminary Corrective Actions:** By February 10, 2010 the CUPA will inspect at least one third of its BP facilities.

On the CUPA's first progress report, develop an action plan that details how the CUPA plans to inspect all BP facilities once every three years.

**CUPA's 1<sup>st</sup> Update (5-5-09):** Tuolumne County CUPA currently regulates 255 facilities with hazardous materials business plans. To meet the minimum inspection frequency of once every three years the CUPA needs to conduct a minimum of 85 inspections every year and 7-8 inspections every month. With two inspectors in the CUPA program each inspector needs to complete a minimum of 4 inspections a month. The Division Director will review service summary reports monthly to ensure each inspector is meeting the necessary quota. If it is found that the quota is not being met by one or both inspectors an evaluation shall be completed to determine why the quota has not been met that month and how the difference can be accounted for in the following month. To date, following the CUPA's evaluation on February 4, 2009, a total of 22 hazardous material business plan inspections have been completed.

**Cal/EPA's 1<sup>st</sup> Response:** The CUPA plans to inspect 85 BP facilities by February 2010. The CUPA has demonstrated progress towards correcting this deficiency by inspecting 22 BP facilities since the 2009 evaluation.

On the next progress report, please report the total number of BP inspections performed since the February 2009 evaluation. Please refer to CalEMA's response.

- **CalEMA's Response:** The CUPA has made a good start towards meeting the 3-year inspection goal. Please update your progress with the next quarterly report.

**CUPA's 2<sup>nd</sup> Update (7-30-09):** Following the Tuolumne County CUPA evaluation conducted on February 4, 2009 the CUPA began implementing the

inspection plan detailed above. Since February the CUPA has conducted 42 hazardous materials business plan inspections, that is an additional 20 inspections conducted since the May update. To meet the minimum inspection frequency of once every three years the CUPA needs to conduct a minimum of 85 inspections every year and 7-8 inspections every month. With the completion of 20 inspections over a 3 month period (May/June/July) the CUPA fell short of the minimum required inspections by 1 inspection. Over the next three month period the CUPA will need to complete a minimum of 22 inspections to stay on track to complete 85 inspections by February 2010. Refer to General CUPA Program Updates at bottom of document.

**Cal/EPA's 2<sup>nd</sup> Response:** Due to the loss of a staff person, the CUPA is behind in its progress toward meeting its triennial BP inspection frequency. The minimum monthly inspection goal was not met. The CUPA anticipates hiring a new staff person within one month.

On the next progress report, please report the total number of BP inspections performed since the February 2009 evaluation. Also, report on the CUPA's staffing progress.

**CUPA's 3<sup>rd</sup> Update (10-30-09):** Since February 1, 2009 the CUPA has conducted 71 business plan inspections. That is an additional 29 inspections since the August update. To meet the minimum inspection frequency of once every three years the CUPA needs to conduct a minimum of 85 inspections every year. The CUPA must complete an additional 14 inspections to meet the minimum required.

**Cal/EPA's 3<sup>rd</sup> Response:** The CUPA inspected approximately 28% of its total business plan facilities since the February 2009 evaluation.

On the next progress report, please report the total number of BP inspections performed from February 2009 evaluation to February 2010.

**CUPA's 4<sup>th</sup> Update (3-2-10):** Between the time period February 1, 2009 and February 1, 2010 the CUPA completed a total of 86 routine business plan inspections. This meets the required number of inspections needed to meet the minimum inspection frequency of once every three years. In addition to conducting routine inspections of regulated facilities the CUPA identified and inspected an additional 15 facilities that have not yet been entered into the data management system and therefore are not shown on the included inspection reports.

**Cal/EPA's 4<sup>th</sup> Response:** Cal/EPA considers this deficiency corrected.

5. **Deficiency:** The CUPA is not meeting the mandated inspection frequency for the Tiered Permitting (TP) program of one inspection every three years. The Annual

Inspection Summary Reports show that no inspections were performed for the TP program.

**Preliminary Corrective Actions:** By February 10, 2010 the CUPA will inspect all of its TP facilities.

On the CUPA's first progress report, develop an action plan that details how the CUPA plans to inspect all TP facilities once every three years.

**CUPA's 1<sup>st</sup> Update (5-5-09):** The CUPA is unclear as to which facilities Cal/EPA considers to be in the Tiered Permitting Program. The CUPA requests that Cal/EPA identifies those facilities that should be included in the Tiered Permitting program. Following clarification from Cal/EPA the CUPA shall address this Deficiency on the next update report.

**Cal/EPA's 1<sup>st</sup> Response:** Cal/EPA discussed with DTSC whether the CUPA's one temporary Household Hazardous Waste (HHW) facility falls under the Tiered Permitting program. It was determined that the facility is not considered a treatment facility under the Tiered Permitting program. The CUPA does not currently regulate any TP facilities; therefore, this deficiency is considered void. No further updates are required.

6. **Deficiency:** In some cases, the CUPA is not following-up and/or documenting return to compliance (RTC) for businesses cited for violations in their inspection reports and notices of violation. Out of 19 files reviewed by Cal/EPA, 5 files either did not contain documentation of RTC or CUPA follow-up documentation did not contain sufficient detail to determine if all cited violations have been corrected.

**Preliminary Corrective Actions:** By May 4, 2009, the CUPA will follow-up with businesses cited for violations and document RTC actions. In addition, the CUPA will include the disposition of all previously cited violations (corrected or not) in the reinspection reports.

On the CUPA's first progress report, the CUPA will submit to Cal/EPA an action plan as to how it will promote consistency in its follow-up actions.

**CUPA's 1<sup>st</sup> Update (5-5-09):** The following procedure will be used by CUPA program staff to ensure proper follow up activity and documentation is being completed for all facilities cited for violations at the time of inspection. Facilities cited for minor violations will be directed to submit a Certificate of Compliance (to be provided by this Division at the time of inspection) within 30 days of the inspection date. The Certificate of Compliance shall document the corrective action taken and the date on which it was completed. Upon receipt of the Certificate of Compliance CUPA staff will review the certificate for completeness and place the certificate in the facilities file. Facilities cited for Class I or Class II

violations shall either be directed to submit a Certificate of Compliance, as described above, or will receive a reinspection by this Division within 30 days of the original inspection date. The action taken shall be determined by the nature of the violation. If a reinspection is conducted all violations cited on the previous inspection report shall be addressed as to whether the violation has been corrected or not. It shall be the responsibility of each inspector to track follow up procedures for the facilities they inspect.

**Cal/EPA's 1<sup>st</sup> Response:** This follow-up plan is acceptable. Along with the next progress report, please email or mail two recent examples of completed reinspection reports or Certificate of Compliances.

**CUPA's 2<sup>nd</sup> Update:** Following the CUPA Evaluation in February the above detailed plan was implemented to ensure proper follow up for return to compliance. To date the plan appears to be effective. One reinspection report and 4 Certificates of Compliance have been included with this report as hard copies to demonstrate effective follow up procedures.

**Cal/EPA's 2<sup>nd</sup> Response:** Cal/EPA considers this deficiency corrected.

7. **Deficiency:** The CUPA is not collecting, retaining, and managing violation classification information in their SWEEPS database or in any hardcopy format. To complete the Annual Summary Reports, CUPA staff must search through each facility file by hand to determine violation classifications. The inspection reports do not contain violation classifications. The CUPA is currently transitioning their data management system from SWEEPS to Envision. The Envision application will collect violation information.

**Preliminary Corrective Actions:** The CUPA will collect violation information in the Envision database once it is operational. The CUPA expects to have Envision within a few months.

By May 4, 2009, the CUPA will collect, retain, and manage violation classification information.

On the CUPA's first progress report, the CUPA will submit to Cal/EPA an update on the database transition process.

**CUPA's 1<sup>st</sup> Update (5-5-09):** Tuolumne County CUPA expects to be transitioning into the Envision Data Management System on May 6, 2009. The transition will not be complete for several months however the CUPA has already began tracking violation information in the SWEEPS data management system and will continue to track violations in the Envision System. When CUPA staff enters inspection information into the data management system they will also make note of any violations that were cited at the time of inspection. The violation classification and a brief note on the nature of the violation shall be included.

**Cal/EPA's 1<sup>st</sup> Response:** The CUPA is making good progress toward correcting this deficiency. Please continue to update Cal/EPA on the progress. The CUPA may attach screen shots of the violation data along with the next progress report.

**CUPA's 2<sup>nd</sup> Update:** At this time CUPA staff are still familiarizing themselves with the Envision data base. However, staff continues to track violation data in the SWEEPS data base. Staff is stilling working towards consistency in entering violation data in regards to both the classification and nature of the violation. Four screen shots from the SWEEPS data base have been included with this report as hardcopies to demonstrate the use of the data system by staff to track violation information.

**Cal/EPA's 2<sup>nd</sup> Response:** Cal/EPA is unclear how the CUPA derives the violation classifications of minor, Class 2, or Class 1 from the violation information reviewed in the SWEEPS screenshots. For example, the USFS – Groveland Ranger Station screenshot contains 2 non-critical violations with a violation description of “Storage, Container 1”. Also, the Flyer's #22 (Nella?) screenshot contains 1 non-critical violation with a violation description of “Manifest II”. What classification(s) are considered non-critical or critical and how can staff accurately separate non-critical or critical violations into reportable classifications for the summary reports? Envision will probably solve this problem.

The Quality Transmission screenshot does classify a violation as Class 2 in the violation description section, but there is no description of the actual violation. CUPA staff should continue to work on consistency in entering violation information in the data base.

Please continue to update Cal/EPA on the progress toward correcting this deficiency. On the next progress report, please email or mail some screenshots of violation data recorded in the CUPA's Envision data base if available.

**CUPA's 3<sup>rd</sup> Update (10-30-09):** The CUPA has still not fully transitioned to the Envision data management system and at this time continues to utilize SWEEPS for data management. The problems with violation classification identified by Cal/EPA are recognized by the CUPA as well. A full range of violations and classifications are not available in SWEEPS. This has contributed to inconsistent use of the violation tracking tools by staff. At this time staff will enter all violations in the “comment box” in SWEEPS. The violation class and descriptive nature will be included in the entry. While this method will make reporting more tedious than running a summary report it will result in more accurate reporting. This is a temporary system to be used until Envision can be used for data tracking. Screen shots have been included as examples.



**Cal/EPA's 3<sup>rd</sup> Response:** The CUPA's current collection method for violation classification information is acceptable, but may be labor intensive when gathering data for the annual summary reports. Cal/EPA considers this deficiency corrected.

#### General CUPA Program Updates

The Tuolumne County CUPA continues to operate with one full time staff member. Over the previous 5 months this change has resulted in a more consistent and effective implementation of the overall program. Additional staff members who are qualified to work in the program are available if needed and will assist in initial implementation of the APSA program.

The CUPA appreciates the comments provided by DTSC in regards to the program training document. The suggested revisions, which have been made to the training document, as well as anticipated completion of remaining training requirements, can be reviewed in the attached document.